

4.4 Specific Requirements Within Zones Unless otherwise provided for in this ordinance, the following regulations shall apply to all signs, billboards, and off-premise signs in specified districts subdivisions, and zones within the city:

4.4.1 Signs permitted in Residential "R" Districts

1. One sign, not exceeding two square feet in area is permitted without a permit giving the name and/or address only of the land, or buildings on which displayed, or the name of the owner or lessee.
2. One sign, not exceeding two square fee in area is permitted without a permit when used for the purpose of advertising a Home Business. Sing must be attached to the residential structure.
3. One sign, not exceeding two square fee in area, is allowed without permit, for non-residential uses which may be in allowed in the zone as a "Special Permitted Use" by the Zoning Commission. Such sign may display only the name of the institution and its activities. Sign may be illuminated but not be flashing lights.
4. Signs larger than two square feet but less than thirty-two (32) square feet may be permitted by special permit process for such non-residential uses as may have been approved by "Special Permit Use," as above.
5. One additional nameplate sign, not to exceed two square feet in area, is allowed without permit for a dwelling group of four or more units to identify the building or as an occupant directory.
6. Temporary signs advertising a new subdivision of five or more lots are allowed by permit for up to one year. Such signs may not exceed 60 square feet in aggregate surface area, and can be no more than 15 feet in height, nor less than two feet above ground. Signs may advertise the development in which they are located only, and may be erected only at dedicated street entrances. If lots not sold in one year, the contractor may request additional time to display the sign.
7. Subdivision Signs – One sign per subdivision entrance which identifies the subdivision is allowed by permit provided it does not exceed 32 square feet in surface area and meets all setback and corner visibility requirements. Sings may be approved with Subdivision Plans without additional cost.

4.4.2 Signs in Commercial "C-1" Districts:

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts.
2. Signs mounted on the building walls are permitted on the basis of one sign not exceeding two square feet per each one linear foot of building façade. Each exposed building wall may have one such wall-mounted façade sign.
3. Projecting signs are allowed, one per exposed building wall. The lowest part must be a minimum of eight feet above surface grade of the sidewalk.
4. Free standing signs are permitted subject to the following:
 - a) One sign per lot or commercial street frontage where adequate lot size permits sign to be located at least 15 feet from edge of curb, street surface, or right-of-way, whichever is greatest.
 - b) Sign height shall not exceed 15 feet, and sign shall be constructed to provide at least 10 feet of visual clearance from bottom of sign to lot surface.
 - c) Sign surface area shall not exceed 15 square feet.
5. Maximum aggregate surface area of all permitted signs for any establishment shall not exceed 200 square feet.

4.4.3 Signs in Commercial "C-2" Districts:

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts.
2. One façade sign is allowed per business. This sign shall not exceed one square foot for each one linear foot of building façade fronting a public street, and is to be mounted on the building wall. For businesses on corner lots, side walls facing public streets may have one additional façade sign on the same basis as above.
3. One free-standing sign is allowed provided height does not exceed 20 feet or height of building whichever is less.

4. Total surface area of all permitted signs shall not exceed 100 square feet.

4.4.4 Signs in Commercial "C-3" Districts

1. All those signs permitted in the Residential Districts are allowed in Commercial Districts.
2. Business identification signs are allowed, provided that the total sign area of such signs shall not exceed two square feet of sign area for each one linear foot of building façade fronting a public street.
3. One free-standing sign is allowed provided it does not exceed 35 feet in height above lot grade. Exception: signs with 150 feet of Interstate Highway right-of-way may not exceed 50 feet in height.
4. Maximum total sign area of all permitted signs for any establishment shall not exceed 200 square feet.

Coordinated Shopping Center

1. Each Coordinated Shopping Center may have one free-standing identification sign for each street frontage, announcing the name of the Center and the hours of business.
2. Additionally, each Center may have one directory sign, not exceeding 35 feet in height, identifying the names of tenants within the Center.
3. Individual tenants in the Center may each have business identification signs mounted on their façade; total sign area shall not exceed two square feet for each one linear foot of building façade fronting the public street or parking area.

Commercial Cul-de-sacs – A commercial subdivision forming a cul-de-sac for individual commercial lots may have a directory sign located at the entrance to the cul-de-sac. Such sign shall not exceed 35 feet in height and shall be located in such a manner not to restrict the view of traffic entering or exiting the subdivision.

4.4.5 Signs in Industrial "I-1" or "I-2" Districts In the I-1 and I-2 Districts, signs are permitted subject to the following regulations:

1. All those signs permitted in the Residential "R" or Commercial "C" Districts are allowed in Industrial "I" Districts.
2. The total surface area of a business sign or signs on a building or lot shall not exceed 10 square feet for each linear foot up to 520 feet of lot frontage.
3. Sign structures shall be limited to not more than one per lot of 50 foot frontage or less, and one additional sign for each additional 50 feet of lot frontage. No off-premise sign may be erected within 50 feet of an adjoining residential district, if designed to or results in facing into such a district or residence.

4.4.6 Signs in Planned Unit Development, (PUD) Districts All signs in the PUD Districts shall be submitted for review and approval as part of the PUD approval process.

4.4.7 Signs in the Agricultural District Signs in the Agricultural District shall be limited to one sign not to exceed thirty-two (32) square feet announcing the name of the farm.

SECTION FIVE: BILLBOARDS

5.1 Billboards: Placement of billboards is not allowed anywhere within the city limits of Clarksville.

5.1.1 Any billboard legally existing prior to the adoption of these regulations may remain per A.C.A. 14-56-102. (see Section 6.7)

SECTION SIX: ADMINISTRATION AND ENFORCEMENT

6.1 Any person having express or implied authority over the size, appearance, and/or location of a sign, together with the landowner or lessor upon which the sign is sited, shall be responsible for causing the sign to be in full compliance with this ordinance and shall be jointly and severally liable for any violations of this ordinance.

6.2 Upon finding of violation of any provisions of this ordinance, the City Inspector shall give written notice to landowner or responsible persons set out in 6.1 a description of the violation and the corrections required for compliance shall be set out therein. Upon failure to comply within 30 days, citations for violation of this ordinance shall be issued.

6.3 Upon conviction, a fine shall be levied in the amount of Twenty-Five Dollars (\$25.00) for each offense. Each day that the landowner or responsible party allows the violation to continue will constitute a separate offense.

6.4 Portable signs shall be immediately subject to the provisions herein as to placement, set back and lighting requirements and shall be brought into compliance or removed within 30 days.

6.5 All non-conforming signs which are located within or encroach upon street or highway right-of-way or public easement must be removed within 30 days.

6.6 All other non-conforming signs shall be brought into compliance or eliminated by attrition. A non-conforming sign shall not be relocated, replaced, expanded, or changed except to bring the sign into complete conformity with this ordinance. However, upon a change or modification of ownership the advertising copy only may be revised.

6.7 Existing billboards lawfully permitted by the State or Federal Highway Agencies shall be allowed to remain under the terms of the issuing agencies' agreement and permit for such signs. If damaged to an extent beyond one-half of its current replacement cost, any non-conforming billboard shall not be replaced.

6.8 Notwithstanding any regulation of this ordinance, no sign shall be placed in any position or in such a manner as to obstruct the vision of the motoring or pedestrian public, in the judgment of the City Inspector. This requirement supercedes all other setback and coverage regulations.

6.9 Upon adoption of these regulations, a certified copy shall be supplied to the appropriate Federal and State Agencies.

CHAPTER 14.08

FLOOD DAMAGE PREVENTION CODE

Sections:

14.08.01	Statutory authority
14.08.02	Findings of fact
14.08.03	Statement of purpose
14.08.04	Lands to which this ordinance applies
14.08.05	Methods of reducing flood losses
14.08.06	Flood Damage Prevention Code adopted by reference
14.08.07	Abrogation and greater restrictions
14.08.08	Interpretation
14.08.09	Warning and disclaimer of liability
14.08.10	Compliance
14.08.11	Penalty for non-compliance

14.08.01 Statutory authority The legislature of the state of Arkansas has in A.C.A. 14-268-101 et seq., delegated the responsibility of local governmental units to adopt regulations to minimize flood losses. Therefore, the City Council of the city of Clarksville, Arkansas, does hereby ordain as follows: (Ord. No. 2010-1, Sec. 616.)

14.08.02 Findings of fact

- A. The Federal Emergency Management Agency (FEMA) has identified Special Flood Hazard Areas of the city of Clarksville in the current scientific and engineering report entitled "The Flood Insurance Study (FIS) for Johnson County, dated Nov. 26, 2010 with an effective Flood Insurance Rate Map (FIRM) dated Nov. 26, 2010.
- B. These Special Flood Hazard Areas are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- C. These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities, and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods into Special Flood

Hazard Areas. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events. (Ord. No. 2010-616, Sec. 2.)

14.08.03 Statement of purpose It is the purpose of this ordinance is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flood conditions in identified Special Flood Hazard Areas. This ordinance advances the stated purpose through provisions designed to:

- A. Protect human life and health;
- B. Protect natural floodplains against unwise development;
- C. Eliminate adverse impacts of necessary floodplain development;
- D. Minimize expenditure of public monies on flood control projects;
- E. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- F. Minimize prolonged business interruptions due to flooding events;
- G. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines; streets and bridges located in Special Flood Hazard Areas;
- H. Minimize future flood blight areas to help maintain a stable tax base; and
- I. Provide for notice to potential buyers when property is in a Special Flood Hazard Area. (Ord. No. 2010-616, Sec. 3.)

14.08.04 Lands to which this ordinance applies The ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of the city of Clarksville. (Ord. No. 2010-616, Sec. 4.)

14.08.05 Methods of reducing flood losses This ordinance uses the following methods to accomplish the stated purpose:

- A. This ordinance restricts or prohibits structures or uses in Special Flood Hazard Areas that adversely impact health, safety or property during flooding events;

- B. This ordinance requires protection against flood damage for structures or uses vulnerable to floods at the time of initial construction, or after substantial improvement of the structure, or after substantial damage has occurred;
- C. This ordinance controls the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation and transport of flood waters;
- D. This ordinance controls floodplain development (structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations and other activities) which may increase flood damage by increasing flood elevations, flood water velocities, or flood discharge patterns;
- E. This ordinance regulates the construction of flood barriers which unnaturally divert floodwaters or which may adversely impact other lands. (Ord. No. 2010-616, Sec. 5.)

14.08.06 Flood Damage Prevention Code adopted by reference There is hereby adopted by reference a Flood Damage Prevention Code for the city of Clarksville, Arkansas, dated Nov. 11, 2010. The code shall include:

Article 1	Definitions
Article 2	Administration
Article 3	Provisions for Flood Hazard reduction

A copy of the referenced code shall be filed in the office of the Mayor, and shall be available for inspection and copying by any person during normal office hours. (Ord. No. 2010-616, Sec. 6.)

14.08.07 Abrogation and greater restrictions This ordinance does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Whenever there is a conflict or overlap between this ordinance and another ordinance, easement, covenant, or deed restriction, the instrument with the more stringent restrictions applies. (Ord. No. 2010-616, Sec. 7.)

14.08.08 Interpretation In the interpretation and application of this ordinance, all provisions must:

- A. Be considered as minimum requirements;

- B. Be liberally construed in favor of the governing body; and
- C. Be deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. No. 2010-616, Sec. 8.)

14.08.09 Warning and disclaimer of liability The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this ordinance will occur. In addition, flood heights may increase over time due to man-made or natural causes. This ordinance does not imply that land outside Special Flood Hazard Areas will be free from flooding, nor that strict adherence to this ordinance protects uses permitted within Special Flood Hazard Areas from all flood damages. This ordinance specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this ordinance, or from any lawful administrative decision made under the provisions of this ordinance. (Ord. No. 2010-616, Sec. 9.)

14.08.10 Compliance Constructing, locating, substantially altering or changing the use of any structure or land after the effective date of this ordinance requires full compliance with the provisions of this ordinance and all other applicable regulations. (Ord. No. 2010-616, Sec. 10.)

14.08.11 Penalty for non-compliance Flood hazards are reduced by compliance with the provisions of this code. Accordingly, enforcement of this ordinance discourages non-compliance and is a recognized mechanism for flood hazard reduction.

The Floodplain Administrator must enforce the provisions of this ordinance and is authorized to:

- A. Issue cease and desist orders on non-compliant floodplain development projects;
- B. Issue citations for non-compliance;
- C. Request that FEMA file a 1316 Action (Denial of Flood Insurance) against non-compliant properties; and
- D. Take any other lawful action necessary to prevent or remedy any instance of non-compliance with the provisions of this ordinance.
 - 1. It is a misdemeanor to violate or fail to comply with any provision of this ordinance.

2. Any person found in a court of competent jurisdiction, guilty of violating this ordinance is subject to fines of not more than Five Hundred Dollars (\$500.00) per day for each violation; in addition the defendant is subject to payment of all associated court costs and costs involved in the case. (Ord. No. 2010-616, Sec. 11.)

CHAPTER 14.12

ANNEXING, VACATING AND RE-ZONING PROPERTY

Sections:

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| 14.12.01 | Annexing |
| 14.12.02 | Vacating |
| 14.12.03 | Re-zoning |

14.12.03 Re-zoning

Ord. No. 2001-434	From R-1 to C-2	Part of Lot 14, Evans Addition
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